

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANTONIO CONTRERAS,)	Case No.: 10-CV-05836-LHK
)	
Plaintiff,)	
v.)	ORDER DENYING EX PARTE REQUEST
)	FOR INJUNCTION
MTC FINANCIAL INC., et al.,)	
)	
Defendants.)	

On December 22, 2010, Plaintiff filed a request with this Court to stay unlawful detainer proceedings brought against him in the Superior Court of Monterey County, case number M109128. On the same day, Magistrate Judge Grewal signed a Report and Recommendation that Plaintiff's request for a stay be denied. *See* Dkt. No. 5. On December 27, 2010, Plaintiff filed a "Request for Reconsideration" of Judge Grewal's December 22, 2010 Order. This Court considered and denied Plaintiff's request on December 28, 2010. *See* Order Adopting Report and Recommendation and Denying Request for Temporary Restraining Order, and Dismissing Case, dated December 28, 2010 (Dkt. No. 6). On the same day, December 28, 2010, Plaintiff Contreras filed a document titled "Ex Parte Motion to Stay Unlawful Detainer Proceeding Pending Related Action in the Smae [sic] Court Monterey Superior Court Cases." In the December 28 Order, this Court considered and rejected Mr. Contreras' arguments in favor of a stay of the Superior Court

1 unlawful detainer proceeding. As stated in the December 28, 2010 Order, Mr. Contreras' appeal is
2 pending with the Sixth District Court of Appeal. Thus, that court is the more appropriate forum
3 from which to seek a stay of the unlawful detainer proceedings. As discussed in the December 28,
4 2010 Order, and in Judge Grewal's December 22, 2010 Order, this Court has no jurisdiction to
5 enter a stay of the state court unlawful detainer proceedings. Therefore, Mr. Contreras's request is
6 denied, and this matter shall remain closed.

7 **IT IS SO ORDERED.**

8 Dated: January 3, 2011

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11 LUCY H. KOH
12 United States District Judge
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